

REMARKS

The Official Action of 5 December 2005 has been carefully considered and reconsideration of the application as amended is respectfully requested.

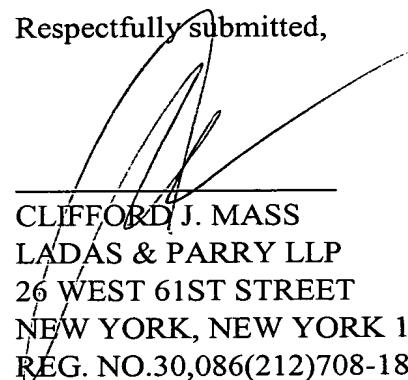
The indication that claims 4 and 5 are free of the prior art and might be allowed upon resolution of the Section 112, first paragraph issues, and when presented in independent form to remove the basis for the Section 112, second paragraph issues has been noted with appreciation. Claims 4 and 5 have now been rewritten in independent form to remove the basis for the rejection under 35 USC 112, second paragraph.

With respect to the rejection of these claims under 35 USC 112, first paragraph, the same appears to be predicated on the Examiner's contention that a required statement that all restrictions on the availability of the deposit has allegedly not been provided. However, Applicants respectfully call the Examiner's attention to paragraph 6 of the Statement of Biological Culture Deposit previously submitted on 12 October 2005, which provides such statement. The undersigned hereby re-states on behalf of Applicants that all restrictions imposed by the depositor on availability to the public of the deposited material will be irrevocably removed upon issuance of a patent.

Claims 15-26 drawn to subject matter which was withdrawn pursuant to restriction requirement have been canceled. Claims 6-14, which were also drawn to subject matter withdrawn pursuant to restriction requirement, have been amended to depend from claims 4 or

5, and Applicants respectfully request rejoinder of these method of use claims pursuant to the provisions of MPEP Section 821.04(b) ("if applicant elects a claim(s) directed to a product which is subsequently found allowable, withdrawn process claims which depend from or otherwise require all the limitations of an allowable product claim will be considered for rejoinder.").

In view of the above, and since the prior art rejections have not been applied against the subject matter of claims 4 or 5, it is respectfully submitted that all rejections and objections of record have been overcome. An early notice of allowance is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,

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